

### ***STATUS OF CLAIMS***

Claims 1-20 are pending.

Claims 1-20 stand rejected by the Examiner.

Claims 1 and 13 have been amended, without prejudice.

### ***REMARKS***

#### **I. Rejection under 35 USC 102(b)**

Claims 1, 2, 6, 9, 11, 12, 13, 14 and 18 were rejected anticipated by Fernie et al. (US 6,938,285). Independent Claims 1 and 13 have been amended to recite that the open frame has a center rail with a pair of rigid arch shaped stretcher attachment elements wherein each arched stretcher attachment element has an apex formed with an opening that engages the center rail preventing rotation of the stretcher attachment element with respect to the center rail and wherein each arched stretcher attachment element has a pair of ends that can be positioned generally adjacent to a corner of the stretcher. Support for this amendment appears throughout the application as filed including Paragraphs 0045-0046 and Figures 7 and 8 of the published application.

In the example shown in Figure 8, the stretcher attachment has an apex formed with a rectangular opening that engages center rail (also having a rectangular profile). This structure prevents rotation of the stretcher attachment element with respect to the center rail. The stretcher attachment element has a pair of ends that can be positioned generally adjacent to a corner of the stretcher. Fernie lacks any disclosure with respect to a pair of rigid arch shaped stretcher attachment elements wherein each arched stretcher attachment element has an apex formed with an opening that engages the center rail

preventing rotation of the stretcher attachment element with respect to the center rail and wherein each arched stretcher attachment element has a pair of ends that can be positioned generally adjacent to a corner of the stretcher. Indeed Fernie discloses a complex manipulator arrangement including rotatable beam members 20. This structure provides two patient positions, inclined and upright. See Column 4, lines 24-44. The ends of beam members 20 are not positioned generally adjacent to a corner of the stretcher. Instead adjustable tension members 19 are used to couple stretcher 18 to the patient transfer device. For at least these reasons, claims 1 and 13 are allowable over Fernie.

## **II. Rejection under 35 USC 103(a)**

Claims 1, 6, 7, 8, 13, 18, 19 and 20 were rejected unpatentable over the combination of Turpin (U.S Patent No. 3,351,959) and Fernie. As noted above, independent Claims 1 and 13 have been amended to recite that the open frame has a center rail with a pair of rigid arch shaped stretcher attachment elements wherein each arched stretcher attachment element has an apex formed with an opening that engages the center rail. Chains or other flexible linkages are not required to couple the stretcher to the lifting point. This is advantageous in that minimal swinging or oscillation occurs when moving a patient. The prior art of record consistently makes use of flexible linkages (e.g., straps, chains and the like) for stretcher attachment. For example, Fernie discloses the use of lengthy adjustable tension members 19 to couple stretcher 18 to the patient transfer device. See Col 4, lines 53-58, Figure 6 and 9. Turpin discloses the use of chains 13 to attach side frames 17 to the tubular member 11.

The cited art fails to disclose the invention as claimed and cannot be combined to reach the invention. Fernie discloses a complex manipulator arrangement including

rotatable arms. This structure provides two patient positions, inclined and upright. See Column 4, lines 24-44. The use of straps (tension members 19) is necessary to achieve this type of design. Thus, Fernie teaches away from the invention as claimed. Turpin adds nothing to the mix and provides only a simple swinging seat. Neither design utilizes a pair of rigid arch shaped stretcher attachment elements wherein each arched stretcher attachment element has an apex formed with an opening that engages the center rail preventing rotation of the stretcher attachment elements with respect to the center rail and wherein each arched stretcher attachment element has a pair of ends that can be positioned generally adjacent to a corner of the stretcher. Nor is there any suggestion of the benefits of using such a configuration. Claims 1 and 13 are allowable over the cited art for at least these reasons.

Dependent claims 2-12 are dependent on claim 1 are allowable with claim 1. Claims 14-20 are dependent on claim 13 are allowable with claim 13. The dependent claims also provide structure that combined with claims 1 or 13 are allowable in their own right.

### **III. Summary**

Having fully addressed the rejections, it is believed that, in view of the preceding remarks and amendments, Claims 1-20 of the instant application stand in condition for allowance. Thus, a Notice of Allowance for Claims 1-20 is earnestly solicited. If, however, the Examiner is of the opinion that such a Notice of Allowance should not issue, the Examiner is invited to contact the Applicant's attorney at the number and address below in order that any outstanding issues may be resolved without the necessity of issuing a further Action. .

### **IV. Fees**

If any additional fees are due in respect to this amendment, please charge them to Deposit Account No. 03-3839.

Respectfully submitted,

Date: August 13, 2008

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